IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.24 OF 2004

Shri Anandrao Ramrao Patil .. Appellant
(Org.Deft.No.14)

Versus

Shri Chandrakant Madhavrao Patil
and Ors. .. Respondents

Shri R.M.Momin h/f Pratap Patil for appellant
Mr.C.d.Konale for Respondent no.1

CORAM : P.V.KAKADE, J.
DATE : 6TH JUNE, 2005.

P.C.:

1. This is an appeal preferred by the original defendant no.14 against the judgment and order passed by the learned Additional District Judge, Islampur dated 3rd September, 2003 dismissing the appeal and confirming

the order, with some modifications, passed by the learned trial judge on 28th January 1994 decreeing the suit in part on the basis of compromise executed by some of the parties determining their shares in the suit property.

2. I have heard the learned counsel for the appellant as well as the Respondent no.1. Perused the record. It is clear therefrom that the only dispute was with regard to the property of Survey No.809 and remaining properties were not in dispute in the sense that those were admittedly ancestral properties. Evidently as well as admittedly the appellant-defendant no.14 is a stranger to the family and seeks to claim title to the part of the disputed property of Survey No.809 through the defendant no.6, son of Ramrao, who had executed the sale deed in favour of defendant no.14. It is quite evident, as can be seen from the record, that the defendant no.6 was not in possession of any of the said property. In fact the defendant no.6 was party to the compromise executed amongst the parties regarding the shares to be distributed amongst them and defendant no.6 did not get any share in the said compromise. It is accepted by all parties including the defendant no.6

and still the appellant-defendant no.14 has come with the case that the compromise was arrived at amongst the respondents collusively and in order to deceive him.

3. Both the courts below have dealt with this issue exhaustively on the basis of available evidence and I am satisfied that no substantial question of law is involved in this case. In fact the appellant-defendant no.14 has no locus-standi in the entire dispute and is rightly non suited.

4. In the result the appeal stands dismissed with no order as to costs.

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